

1-1 By: Zerwas (Senate Sponsor - Kolkhorst) H.B. No. 4192
 1-2 (In the Senate - Received from the House May 18, 2015;
 1-3 May 25, 2015, read first time and referred to Committee on
 1-4 Administration; May 26, 2015, reported favorably by the following
 1-5 vote: Yeas 7, Nays 0; May 26, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Uresti	X			
1-9 Campbell	X			
1-10 Eltife	X			
1-11 Huffines	X			
1-12 Schwertner	X			
1-13 West	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the creation of Simonton Management District No. 1;
 1-18 providing authority to issue bonds; providing authority to impose
 1-19 assessments, fees, or taxes.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Subtitle C, Title 4, Special District Local Laws
 1-22 Code, is amended by adding Chapter 3934 to read as follows:

1-23 CHAPTER 3934. SIMONTON MANAGEMENT DISTRICT NO. 1
 1-24 SUBCHAPTER A. GENERAL PROVISIONS

1-25 Sec. 3934.001. DEFINITIONS. In this chapter:

- 1-26 (1) "Board" means the district's board of directors.
- 1-27 (2) "City" means the City of Simonton.
- 1-28 (3) "County" means Fort Bend County.
- 1-29 (4) "Director" means a board member.
- 1-30 (5) "District" means the Simonton Management District

1-31 No. 1.

1-32 Sec. 3934.002. NATURE OF DISTRICT. The Simonton Management
 1-33 District No. 1 is a special district created under Section 59,
 1-34 Article XVI, Texas Constitution.

1-35 Sec. 3934.003. PURPOSE; DECLARATION OF INTENT. (a) The
 1-36 creation of the district is essential to accomplish the purposes of
 1-37 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
 1-38 Texas Constitution, and other public purposes stated in this
 1-39 chapter. By creating the district and in authorizing the city, the
 1-40 county, and other political subdivisions to contract with the
 1-41 district, the legislature has established a program to accomplish
 1-42 the public purposes set out in Section 52-a, Article III, Texas
 1-43 Constitution.

1-44 (b) The creation of the district is necessary to promote,
 1-45 develop, encourage, and maintain employment, commerce,
 1-46 transportation, housing, tourism, recreation, the arts,
 1-47 entertainment, economic development, safety, and the public
 1-48 welfare in the district.

1-49 (c) This chapter and the creation of the district may not be
 1-50 interpreted to relieve the city or the county from providing the
 1-51 level of services provided as of the effective date of the Act
 1-52 enacting this chapter to the area in the district. The district is
 1-53 created to supplement and not to supplant city or county services
 1-54 provided in the district.

1-55 Sec. 3934.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-56 (a) The district is created to serve a public use and benefit.

1-57 (b) All land and other property included in the district
 1-58 will benefit from the improvements and services to be provided by
 1-59 the district under powers conferred by Sections 52 and 52-a,
 1-60 Article III, and Section 59, Article XVI, Texas Constitution, and
 1-61 other powers granted under this chapter.

2-1 (c) The creation of the district is in the public interest
 2-2 and is essential to further the public purposes of:
 2-3 (1) developing and diversifying the economy of the
 2-4 state;
 2-5 (2) eliminating unemployment and underemployment; and
 2-6 (3) developing or expanding transportation and
 2-7 commerce.
 2-8 (d) The district will:
 2-9 (1) promote the health, safety, and general welfare of
 2-10 residents, employers, potential employees, employees, visitors,
 2-11 and consumers in the district, and of the public;
 2-12 (2) provide needed funding for the district to
 2-13 preserve, maintain, and enhance the economic health and vitality of
 2-14 the district territory as a community and business center;
 2-15 (3) promote the health, safety, welfare, and enjoyment
 2-16 of the public by providing pedestrian ways and by landscaping and
 2-17 developing certain areas in the district, which are necessary for
 2-18 the restoration, preservation, and enhancement of scenic beauty;
 2-19 and
 2-20 (4) provide for water, wastewater, drainage, road, and
 2-21 recreational facilities for the district.
 2-22 (e) Pedestrian ways along or across a street, whether at
 2-23 grade or above or below the surface, and street lighting, street
 2-24 landscaping, parking, and street art objects are parts of and
 2-25 necessary components of a street and are considered to be a street
 2-26 or road improvement.
 2-27 (f) The district will not act as the agent or
 2-28 instrumentality of any private interest even though the district
 2-29 will benefit many private interests as well as the public.
 2-30 Sec. 3934.005. INITIAL DISTRICT TERRITORY. (a) The
 2-31 district is initially composed of the territory described by
 2-32 Section 2 of the Act enacting this chapter.
 2-33 (b) The boundaries and field notes contained in Section 2 of
 2-34 the Act enacting this chapter form a closure. A mistake in the
 2-35 field notes or in copying the field notes in the legislative process
 2-36 does not affect the district's:
 2-37 (1) organization, existence, or validity;
 2-38 (2) right to issue any type of bonds for the purposes
 2-39 for which the district is created or to pay the principal of and
 2-40 interest on the bonds;
 2-41 (3) right to impose or collect an assessment or tax; or
 2-42 (4) legality or operation.
 2-43 Sec. 3934.006. APPLICABILITY OF MUNICIPAL MANAGEMENT
 2-44 DISTRICTS LAW. Except as otherwise provided by this chapter,
 2-45 Chapter 375, Local Government Code, applies to the district.
 2-46 Sec. 3934.007. CONSTRUCTION OF CHAPTER. This chapter shall
 2-47 be liberally construed in conformity with the findings and purposes
 2-48 stated in this chapter.
 2-49 SUBCHAPTER B. BOARD OF DIRECTORS
 2-50 Sec. 3934.051. GOVERNING BODY; TERMS. (a) The district is
 2-51 governed by a board of five voting directors who serve staggered
 2-52 terms of four years, with two or three directors' terms expiring
 2-53 June 1 of each odd-numbered year.
 2-54 (b) The board by resolution may change the number of voting
 2-55 directors on the board if the board determines that the change is in
 2-56 the best interest of the district. The board may not consist of
 2-57 fewer than five or more than nine voting directors.
 2-58 Sec. 3934.052. APPOINTMENT OF VOTING DIRECTORS. The mayor
 2-59 and members of the governing body of the city shall appoint voting
 2-60 directors from persons recommended by the board. A person is
 2-61 appointed if a majority of the members of the governing body,
 2-62 including the mayor, vote to appoint that person.
 2-63 Sec. 3934.053. NONVOTING DIRECTORS. The board may appoint
 2-64 nonvoting directors to serve at the pleasure of the voting
 2-65 directors.
 2-66 Sec. 3934.054. QUORUM. For purposes of determining the
 2-67 requirements for a quorum of the board, the following are not
 2-68 counted:
 2-69 (1) a board position vacant for any reason, including

3-1 death, resignation, or disqualification;
 3-2 (2) a director who is abstaining from participation in
 3-3 a vote because of a conflict of interest; or
 3-4 (3) a nonvoting director.

3-5 Sec. 3934.055. COMPENSATION. A director is entitled to
 3-6 receive fees of office and reimbursement for actual expenses as
 3-7 provided by Section 49.060, Water Code. Sections 375.069 and
 3-8 375.070, Local Government Code, do not apply to the board.

3-9 Sec. 3934.056. INITIAL VOTING DIRECTORS. (a) The initial
 3-10 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>CJ Aber</u>
<u>2</u>	<u>Debra Sabrsula</u>
<u>3</u>	<u>Jeff Cannon</u>
<u>4</u>	<u>Steve Littlefield</u>
<u>5</u>	<u>Mac McAleer</u>

3-17 (b) Of the initial directors, the terms of directors
 3-18 appointed for positions one through three expire June 1, 2017, and
 3-19 the terms of directors appointed for positions four and five expire
 3-20 June 1, 2019.

3-21 (c) Section 3934.052 does not apply to this section.

3-22 SUBCHAPTER C. POWERS AND DUTIES

3-23 Sec. 3934.101. GENERAL POWERS AND DUTIES. The district has
 3-24 the powers and duties necessary to accomplish the purposes for
 3-25 which the district is created.

3-26 Sec. 3934.102. IMPROVEMENT PROJECTS AND SERVICES. The
 3-27 district may provide, design, construct, acquire, improve,
 3-28 relocate, operate, maintain, or finance an improvement project or
 3-29 service using any money available to the district, or contract with
 3-30 a governmental or private entity to provide, design, construct,
 3-31 acquire, improve, relocate, operate, maintain, or finance an
 3-32 improvement project or service authorized under this chapter or
 3-33 Chapter 375, Local Government Code.

3-34 Sec. 3934.103. DEVELOPMENT CORPORATION POWERS. The
 3-35 district, using money available to the district, may exercise the
 3-36 powers given to a development corporation under Chapter 505, Local
 3-37 Government Code, including the power to own, operate, acquire,
 3-38 construct, lease, improve, or maintain a project under that
 3-39 chapter.

3-40 Sec. 3934.104. NONPROFIT CORPORATION. (a) The board by
 3-41 resolution may authorize the creation of a nonprofit corporation to
 3-42 assist and act for the district in implementing a project or
 3-43 providing a service authorized by this chapter.

3-44 (b) The nonprofit corporation:

3-45 (1) has each power of and is considered to be a local
 3-46 government corporation created under Subchapter D, Chapter 431,
 3-47 Transportation Code; and

3-48 (2) may implement any project and provide any service
 3-49 authorized by this chapter.

3-50 (c) The board shall appoint the board of directors of the
 3-51 nonprofit corporation. The board of directors of the nonprofit
 3-52 corporation shall serve in the same manner as the board of directors
 3-53 of a local government corporation created under Subchapter D,
 3-54 Chapter 431, Transportation Code, except that a board member is not
 3-55 required to reside in the district.

3-56 Sec. 3934.105. AGREEMENTS; GRANTS. (a) As provided by
 3-57 Chapter 375, Local Government Code, the district may make an
 3-58 agreement with or accept a gift, grant, or loan from any person.

3-59 (b) The implementation of a project is a governmental
 3-60 function or service for the purposes of Chapter 791, Government
 3-61 Code.

3-62 Sec. 3934.106. LAW ENFORCEMENT SERVICES. To protect the
 3-63 public interest, the district may contract with a qualified party,
 3-64 including the county or the city, to provide law enforcement
 3-65 services in the district for a fee.

3-66 Sec. 3934.107. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
 3-67 district may join and pay dues to a charitable or nonprofit
 3-68 organization that performs a service or provides an activity
 3-69 consistent with the furtherance of a district purpose.

4-1 Sec. 3934.108. ECONOMIC DEVELOPMENT. (a) The district may
 4-2 engage in activities that accomplish the economic development
 4-3 purposes of the district.

4-4 (b) The district may establish and provide for the
 4-5 administration of one or more programs to promote state or local
 4-6 economic development and to stimulate business and commercial
 4-7 activity in the district, including programs to:

4-8 (1) make loans and grants of public money; and

4-9 (2) provide district personnel and services.

4-10 (c) The district may create economic development programs
 4-11 and exercise the economic development powers provided to
 4-12 municipalities by Chapter 380, Local Government Code.

4-13 Sec. 3934.109. PARKING FACILITIES. (a) The district may
 4-14 acquire, lease as lessor or lessee, construct, develop, own,
 4-15 operate, and maintain parking facilities or a system of parking
 4-16 facilities, including lots, garages, parking terminals, or other
 4-17 structures or accommodations for parking motor vehicles off the
 4-18 streets and related appurtenances.

4-19 (b) The district's parking facilities serve the public
 4-20 purposes of the district and are owned, used, and held for a public
 4-21 purpose even if leased or operated by a private entity for a term of
 4-22 years.

4-23 (c) The district's parking facilities are parts of and
 4-24 necessary components of a street and are considered to be a street
 4-25 or road improvement.

4-26 (d) The development and operation of the district's parking
 4-27 facilities may be considered an economic development program.

4-28 Sec. 3934.110. ANNEXATION OF LAND. The district may annex
 4-29 land as provided by Subchapter J, Chapter 49, Water Code.

4-30 Sec. 3934.111. APPROVAL BY CITY. Section 375.207, Local
 4-31 Government Code, does not apply to the district.

4-32 Sec. 3934.112. NO EMINENT DOMAIN POWER. The district may
 4-33 not exercise the power of eminent domain.

4-34 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

4-35 Sec. 3934.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
 4-36 board by resolution shall establish the number of directors'
 4-37 signatures and the procedure required for a disbursement or
 4-38 transfer of district money.

4-39 Sec. 3934.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
 4-40 The district may acquire, construct, finance, operate, or maintain
 4-41 any improvement or service authorized under this chapter or Chapter
 4-42 375, Local Government Code, using any money available to the
 4-43 district.

4-44 Sec. 3934.153. PETITION REQUIRED FOR FINANCING SERVICES AND
 4-45 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
 4-46 service or improvement project with assessments under this chapter
 4-47 unless a written petition requesting that service or improvement
 4-48 has been filed with the board.

4-49 (b) A petition filed under Subsection (a) must be signed by
 4-50 the owners of a majority of the assessed value of real property in
 4-51 the district subject to assessment according to the most recent
 4-52 certified tax appraisal roll for the county.

4-53 Sec. 3934.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.
 4-54 (a) The board by resolution may impose and collect an assessment
 4-55 for any purpose authorized by this chapter in all or any part of the
 4-56 district.

4-57 (b) An assessment, a reassessment, or an assessment
 4-58 resulting from an addition to or correction of the assessment roll
 4-59 by the district, penalties and interest on an assessment or
 4-60 reassessment, an expense of collection, and reasonable attorney's
 4-61 fees incurred by the district:

4-62 (1) are a first and prior lien against the property
 4-63 assessed;

4-64 (2) are superior to any other lien or claim other than
 4-65 a lien or claim for county, school district, or municipal ad valorem
 4-66 taxes; and

4-67 (3) are the personal liability of and a charge against
 4-68 the owners of the property even if the owners are not named in the
 4-69 assessment proceedings.

5-1 (c) The lien is effective from the date of the board's
 5-2 resolution imposing the assessment until the date the assessment is
 5-3 paid. The board may enforce the lien in the same manner that the
 5-4 board may enforce an ad valorem tax lien against real property.

5-5 (d) The board may make a correction to or deletion from the
 5-6 assessment roll that does not increase the amount of assessment of
 5-7 any parcel of land without providing notice and holding a hearing in
 5-8 the manner required for additional assessments.

5-9 Sec. 3934.155. TAX AND ASSESSMENT ABATEMENTS. The district
 5-10 may designate reinvestment zones and may grant abatements of
 5-11 district taxes or assessments on property in the zones.

5-12 SUBCHAPTER E. TAXES AND BONDS

5-13 Sec. 3934.201. ELECTIONS REGARDING TAXES AND BONDS.

5-14 (a) The district may issue, without an election, bonds, notes, and
 5-15 other obligations secured by:

5-16 (1) revenue other than ad valorem taxes; or

5-17 (2) contract payments described by Section 3934.203.

5-18 (b) The district must hold an election in the manner
 5-19 provided by Subchapter L, Chapter 375, Local Government Code, to
 5-20 obtain voter approval before the district may impose an ad valorem
 5-21 tax or issue bonds payable from ad valorem taxes.

5-22 (c) Section 375.243, Local Government Code, does not apply
 5-23 to the district.

5-24 (d) All or any part of any facilities or improvements that
 5-25 may be acquired by a district by the issuance of its bonds may be
 5-26 submitted as a single proposition or as several propositions to be
 5-27 voted on at the election.

5-28 Sec. 3934.202. OPERATION AND MAINTENANCE TAX. (a) If
 5-29 authorized by a majority of the district voters voting at an
 5-30 election held in accordance with Section 3934.201, the district may
 5-31 impose an operation and maintenance tax on taxable property in the
 5-32 district in accordance with Section 49.107, Water Code, for any
 5-33 district purpose, including to:

5-34 (1) maintain and operate the district;

5-35 (2) construct or acquire improvements; or

5-36 (3) provide a service.

5-37 (b) The board shall determine the tax rate. The rate may not
 5-38 exceed the rate approved at the election.

5-39 (c) Section 49.107(h), Water Code, does not apply to the
 5-40 district.

5-41 Sec. 3934.203. CONTRACT TAXES. (a) In accordance with
 5-42 Section 49.108, Water Code, the district may impose a tax other than
 5-43 an operation and maintenance tax and use the revenue derived from
 5-44 the tax to make payments under a contract after the provisions of
 5-45 the contract have been approved by a majority of the district voters
 5-46 voting at an election held for that purpose.

5-47 (b) A contract approved by the district voters may contain a
 5-48 provision stating that the contract may be modified or amended by
 5-49 the board without further voter approval.

5-50 Sec. 3934.204. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
 5-51 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
 5-52 determined by the board. Section 375.205, Local Government Code,
 5-53 does not apply to a loan, line of credit, or other borrowing from a
 5-54 bank or financial institution secured by revenue other than ad
 5-55 valorem taxes.

5-56 (b) The district may issue bonds, notes, or other
 5-57 obligations payable wholly or partly from ad valorem taxes,
 5-58 assessments, impact fees, revenue, contract payments, grants, or
 5-59 other district money, or any combination of those sources of money,
 5-60 to pay for any authorized district purpose. The district may pledge
 5-61 ad valorem taxes to bonds, notes, or other obligations only as
 5-62 authorized by the Texas Constitution.

5-63 (c) The limitation on the outstanding principal amount of
 5-64 bonds, notes, and other obligations provided by Section 49.4645,
 5-65 Water Code, does not apply to the district.

5-66 Sec. 3934.205. TAXES FOR BONDS. At the time the district
 5-67 issues bonds payable wholly or partly from ad valorem taxes, the
 5-68 board shall provide for the annual imposition of a continuing
 5-69 direct annual ad valorem tax, without limit as to rate or amount,

6-1 for each year that all or part of the bonds are outstanding as
6-2 required and in the manner provided by Sections 54.601 and 54.602,
6-3 Water Code.

6-4 Sec. 3934.206. CITY NOT REQUIRED TO PAY DISTRICT
6-5 OBLIGATIONS. Except as provided by Section 375.263, Local
6-6 Government Code, the city is not required to pay a bond, note, or
6-7 other obligation of the district.

6-8 SECTION 2. The Simonton Management District No. 1 initially
6-9 includes all territory contained in the following area:

6-10 TRACT 1

6-11 Being 33.2 acres, more or less, of land situated in the Thomas
6-12 Westall League, Abstract 92, Fort Bend County, Texas, more
6-13 particularly being that certain called 0.681 acre tract (described
6-14 as Tract No. 1), that certain 1.630 acre tract (described as Tract
6-15 No. 2), and that certain 1.019 acre tract (described as Tract No. 3
6-16 & 4), all conveyed to CBDS Investments, Inc. by instrument of record
6-17 in File No. 2006104265 of the Official Public Records of said Fort
6-18 Bend County, Texas (F.B.C.O.P.R.), that certain called 1.012 acre
6-19 tract of land conveyed to CBDS Investments, Inc., by instrument of
6-20 record in File No. 2006110957, F.B.C.O.P.R., that certain called
6-21 1.19 acre tract of land conveyed to FM 1489 Farms, Inc., by
6-22 instrument of record in File No. 2006076342, F.B.C.O.P.R., now
6-23 owned by Twinwood (U.S.), Inc. as conveyed in File No. 2012121483,
6-24 F.B.C.O.P.R., and a portion of that certain called 42.35 acre tract
6-25 conveyed to FM 1489 Farms, Inc., by instrument of record in File
6-26 No. 2006076344, F.B.C.O.P.R., now owned by Twinwood (U.S.), Inc. as
6-27 conveyed in File No. 2012121483, F.B.C.O.P.R., said 33.2 acre tract
6-28 being more particularly described by metes and bounds as follows:

6-29 BEGINNING at the southwesterly corner of the aforementioned
6-30 42.35 acre tract, said point being on the northerly line of F.M.
6-31 1093;

6-32 Thence, Northerly, along the westerly line of said 42.35 acre
6-33 tract, 871 feet, more or less, to a point for corner, said point
6-34 being at the approximate City Limits Line of Simonton;

6-35 Thence, Easterly, along the approximate City Limits Line of
6-36 Simonton, 1,704 feet, more or less, to a point for corner, said
6-37 point being on the easterly line of said 42.35 acre tract and the
6-38 westerly right-of-way line of said F.M. 1489, the beginning of a
6-39 curve;

6-40 Thence, Southerly along the westerly line of said 42.35 acre
6-41 tract, the westerly line of the aforementioned 1.19 acre tract and
6-42 the easterly right-of-way line of said F.M. 1489, 336 feet, more or
6-43 less, along the arc of a non-tangent curve to the right, having a
6-44 radius of 5,679.65 feet, to a westerly corner of said 42.35 acre
6-45 tract;

6-46 Thence, Southerly, along the easterly lines of said 42.35
6-47 acre tract and the aforementioned 0.681 acre tract and the westerly
6-48 right-of-way line of said F.M. 1489, 580 feet, more or less, to a
6-49 point for corner, said point being on the southerly line of the
6-50 aforementioned 1.630 acre;

6-51 Thence, Westerly, along the southerly line of said 1.630 acre
6-52 tract, 162 feet, more or less, to the southwesterly corner of said
6-53 1.630 acre tract;

6-54 Thence, Northerly, along a westerly line of said 1.630 acre
6-55 tract, 95 feet, more or less, to the southeasterly corner of the
6-56 aforementioned 1.012 acre tract, said point being in the northerly
6-57 right-of-way line of said F.M. 1093;

6-58 Thence, Westerly, along the northerly right-of-way line of
6-59 said F.M. 1093 and the southerly line of said 1.012 acre tract, 198
6-60 feet, more or less, to the southwesterly corner of said 1.012 acre
6-61 tract, said point being on the easterly line of the aforementioned
6-62 1.019 acre tract;

6-63 Thence, Southerly, along the easterly line of said 1.019 acre
6-64 tract, 5 feet, more or less, to the southeasterly corner of said
6-65 1.019 acre tract, said point being on the northerly right-of-way
6-66 line of said F.M. 1093;

6-67 Thence, Westerly, along a southerly line of said 1.019 acre
6-68 tract and the northerly right-of-way line of said F.M. 1093, 118
6-69 feet, more or less, to a southerly corner of said 1.019 acre tract;

7-1 Thence, Southerly, along a southerly line of said 1.019 acre
7-2 tract and a northerly right-of-way line of said F.M. 1093, 5 feet,
7-3 more or less, to a southerly corner of said 1.019 acre tract;
7-4 Thence, Westerly, along a southerly line of said 1.019 acre
7-5 tract and the northerly right-of-way line of said F.M. 1093, 51
7-6 feet, more or less, to the southwesterly corner of said 1.019 acre
7-7 tract;
7-8 Thence, Northerly, departing the northerly right-of-way line
7-9 of said F.M. 1093, along the westerly line of said 1.019 acre tract,
7-10 159 feet, more or less, to a southerly corner of the aforementioned
7-11 42.35 acre tract;
7-12 Thence, Westerly, along a southerly line of said 42.35 acre
7-13 tract, 168 feet, more or less, to a southerly interior corner of
7-14 said 42.35 acre tract;
7-15 Thence, Southerly, along a southerly interior line of said
7-16 42.35 acre tract, 156 feet, more or less, to a southerly corner of
7-17 said 42.35 acre tract, said point being on the northerly
7-18 right-of-way line of said F.M. 1093;
7-19 Thence, Westerly, along a southerly line of said 42.35 acre
7-20 tract and the northerly right-of-way line of said F.M. 1093, 1,070
7-21 feet, more or less, to the POINT OF BEGINNING and containing 33.2
7-22 acres of land, more or less.
7-23 TRACT 2
7-24 Being 102 acres, more or less, of land situated in the Thomas
7-25 Westall League, Abstract 92, Fort Bend County, Texas, more
7-26 particularly being a portion of that certain called 42.35 acre
7-27 tract of land conveyed to FM 1489 Farms, Inc., by instrument of
7-28 record in File No. 2006076344, in the Official Public Records of
7-29 said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood
7-30 (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., a
7-31 portion of that certain called 69.1455 acre tract conveyed to FM
7-32 1489 Farms, Inc. by instrument of record in File No. 2008055874,
7-33 now owned by Twinwood (U.S.), Inc. as conveyed in File
7-34 No. 2012121483, F.B.C.O.P.R., and that certain called 63.46 acre
7-35 tract conveyed to FM 1489 Farms, Inc. by instrument of record in
7-36 File No. 2006076347, F.B.C.O.P.R., now owned by Twinwood (U.S.),
7-37 Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., said 102
7-38 acre tract being more particularly described by metes and bounds as
7-39 follows:
7-40 BEGINNING at the most westerly southwest corner of said
7-41 69.1455 acre tract;
7-42 Thence, Northerly, along an easterly line of said 69.1455
7-43 acre tract, 190 feet, more or less, to a point for corner, said
7-44 point being at the approximate ETJ Line of Simonton;
7-45 Thence, Easterly, along the approximate ETJ Line of Simonton,
7-46 2,169 feet, more or less, to a point for corner, said point being on
7-47 a northeasterly line of said 69.1455 acre tract;
7-48 Thence, Southeasterly, along the northeasterly line of said
7-49 69.1455 acre tract, 402 feet to an easterly corner of said 69.1455
7-50 acre tract, said point being on the westerly right-of-way line of
7-51 F.M. 1489;
7-52 Thence, Southerly, along the easterly line of said 69.1455
7-53 acre tract, the easterly line of the aforementioned 63.46 acre
7-54 tract, and the westerly right-of-way line of said F.M. 1489, 1,507
7-55 feet, more or less, to an easterly corner of said 63.46 acre tract,
7-56 the beginning of a curve;
7-57 Thence, Southerly, along the westerly line of said 63.46 acre
7-58 tract and the westerly right-of-way line of said F.M. 1489, 437
7-59 feet, more or less, along the arc of a tangent curve to the left,
7-60 having a radius of 5,779.65 feet to an easterly corner of said 63.46
7-61 acre tract;
7-62 Thence, Southerly along the easterly line of said 63.46 acre
7-63 tract, an easterly line of the aforementioned 42.35 acre tract, and
7-64 the westerly right-of-way line of said F.M. 1489, 365 feet, more or
7-65 less, to an easterly corner of said 42.35 acre tract, the beginning
7-66 of a curve;
7-67 Thence, Southerly, along the an easterly line of said 42.35
7-68 acre tract and the westerly right-of-way line of said F.M. 1489, 94
7-69 feet, more or less, along the arc of a tangent curve to the right,

8-1 having a radius of 5,679.65 feet, to a point for corner, said point
8-2 being at the approximate City Limits Line of Simonton;
8-3 Thence, Westerly, along the approximate City Limits Line of
8-4 Simonton, 1,704 feet, more or less, to a point for corner, said
8-5 point being on the westerly line of said 42.35 acre tract;
8-6 Thence, Northerly, along the westerly lines of said 42.35
8-7 acre tract, said 63.46 acre tract, and said 69.1455 acre tract,
8-8 2,443 feet, more or less, to a southwesterly interior corner of said
8-9 69.1455 acre tract;
8-10 Thence Westerly, along a southerly line of said 69.1455 acre
8-11 tract, 943 feet, more or less, to the POINT OF BEGINNING and
8-12 containing 102 acres of land, more or less.
8-13 TRACT 3
8-14 Being 138 acres, more or less, of land situated in the Thomas
8-15 Westall League, Abstract 92, Fort Bend County, Texas, more
8-16 particularly being a portion of that certain called 200.15 acre
8-17 tract of land conveyed to Hady Creek Ranch, Inc. by instrument of
8-18 record in File No. 2006084768 of the Official Public Records of
8-19 said Fort Bend County, Texas (F.B.C.O.P.R.), now owned by Twinwood
8-20 (U.S.), Inc. as conveyed in File No. 2012121483, F.B.C.O.P.R., and
8-21 that certain 1.6858 acre tract of land conveyed to Hady Creek Ranch,
8-22 Inc. by instrument of record in File No. 2006084767, F.B.C.O.P.R.,
8-23 now owned by Twinwood (U.S.), Inc. as conveyed in File
8-24 No. 2012121483, F.B.C.O.P.R., said 138 acre tract being more
8-25 particularly described by metes and bounds as follows:
8-26 BEGINNING at the southeasterly corner of said 200.15 acre
8-27 tract;
8-28 Thence, Westerly, along a southerly line of said 200.15 acre
8-29 tract, 1,414 feet, more or less, to a southwesterly corner of said
8-30 200.15 acre tract;
8-31 Thence, Northerly, along a southerly line of said 200.15 acre
8-32 tract, 50 feet, more or less, to a southwesterly corner of said
8-33 200.15 acre tract;
8-34 Thence, Westerly, along a southerly line of said 200.15 acre
8-35 tract, 258 feet, more or less, to a southwesterly corner of said
8-36 200.15 acre tract, said point being on the easterly right-of-way
8-37 line of F.M. 1489;
8-38 Thence, Northerly, along a westerly line of said 200.15 acre
8-39 tract and the easterly line of said F.M. 1489, 570 feet, more or
8-40 less, to a westerly corner of said 200.15 acre tract, the beginning
8-41 of a curve;
8-42 Thence, Northerly, along a westerly line of said 200.15 acre
8-43 tract and the easterly line of said F.M. 1489, 437 feet, more or
8-44 less, along the arc of a tangent curve to the left, having a radius
8-45 of 5,779.65 feet, to a westerly corner of said 200.15 acre tract;
8-46 Thence, Northerly, along a westerly line of said 200.15 acre
8-47 tract and the easterly line of said F.M. 1489, 365 feet, more or
8-48 less to a westerly corner of said 200.15 acre tract, the beginning
8-49 of a curve;
8-50 Thence, Northerly, along a westerly line of said 200.15 acre
8-51 tract and the easterly line of said F.M. 1489, 430 feet, more or
8-52 less, along the arc of a tangent curve to the right, having a radius
8-53 of 5,679.65 feet, to a westerly corner of said 200.15 acre tract;
8-54 Thence, Northerly, along a westerly line of said 200.15 acre
8-55 tract and the easterly right-of-way line of said F.M. 1489, 1,801
8-56 feet, more or less, to a point for corner, said point being at the
8-57 approximate ETJ Line of Simonton, the beginning of a curve;
8-58 Thence, Southeasterly, along the approximate ETJ Line of
8-59 Simonton, 2,115 feet, more or less, along the arc of a non-tangent
8-60 curve to the right, having a radius of 2,640.00 feet, to a point for
8-61 corner, said point being on an easterly line of said 200.15 acre
8-62 tract;
8-63 Thence, Southerly, along an easterly line of said 200.15 acre
8-64 tract and the easterly line of the aforementioned 1.6858 acre
8-65 tract, 2,741 feet, more or less, to the POINT OF BEGINNING and
8-66 containing 138 acres of land, more or less.
8-67 SECTION 3. (a) The legal notice of the intention to
8-68 introduce this Act, setting forth the general substance of this
8-69 Act, has been published as provided by law, and the notice and a

9-1 copy of this Act have been furnished to all persons, agencies,
9-2 officials, or entities to which they are required to be furnished
9-3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-4 Government Code.

9-5 (b) The governor, one of the required recipients, has
9-6 submitted the notice and Act to the Texas Commission on
9-7 Environmental Quality.

9-8 (c) The Texas Commission on Environmental Quality has filed
9-9 its recommendations relating to this Act with the governor,
9-10 lieutenant governor, and speaker of the house of representatives
9-11 within the required time.

9-12 (d) The general law relating to consent by political
9-13 subdivisions to the creation of districts with conservation,
9-14 reclamation, and road powers and the inclusion of land in those
9-15 districts has been complied with.

9-16 (e) All requirements of the constitution and laws of this
9-17 state and the rules and procedures of the legislature with respect
9-18 to the notice, introduction, and passage of this Act have been
9-19 fulfilled and accomplished.

9-20 SECTION 4. This Act takes effect immediately if it receives
9-21 a vote of two-thirds of all the members elected to each house, as
9-22 provided by Section 39, Article III, Texas Constitution. If this
9-23 Act does not receive the vote necessary for immediate effect, this
9-24 Act takes effect September 1, 2015.

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